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OFFICE OF PETITIONS

In re Patent No. 6,810,870

Issue Date: November 2, 2004

Application No. 10/743,679 **ON PETITION**

Filed: December 19, 2003

Title of Invention: Toy Gun

This is a decision on the petition, filed on May 18, 2006, requesting the issuance of a duplicate Letters Patent for the above-identified application.

The petition is **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) Months from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition". This is **not** final agency action within the meaning of 5 U.S.C. §704.

Since it is the Patent and Trademark Office's practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this patent are timely delivered to the addressee. To overcome this presumption, a verified statement with supporting evidence, such as any records which would disclose the receipt of other correspondence mailed from the Patent and Trademark Office on or about June 8. 2004, but fail to disclose receipt of the Letters Patent mailed on that date should be promptly submitted. Further, copies of records on which receipt of the Letters Patent would have been entered had it been received are required (i.e. docket report). 1

Where applicant is pro se, applicant should demonstrate what system is in place upon

¹ Petitioner should refer to MPEP 711.03 (c) Petition to Withdraw Holding of Abandonment Based On Failure to Receive Office Action the standard established is similar to the standard required to obtain duplicate Letters Patent based upon nonreceipt.

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receipt of communication from the USPTO. If applicant retains documents in a central location, makes use of a computer program or calendar such information as well as any accompanying evidence should be provided on renewed petition. A pro se applicant must state that the file was searched and that the communication in question has not been located. The Office is looking for applicant to make a showing that the communication was not lost after receipt.

A statement that the Letters Patent was not received has been provided by a person who lacks first hand knowledge. A statement from the patentee should be provided. It is further noted a review of the Office record shows that the Letters Patent was not returned to the Office

Lastly, the change of correspondence address has not been entered. A change of correspondence address may not be signed by an attorney or agent not of record (see MPEP § 405). A review of the declaration shows, Alan D. Kamrath has not been given power of attorney.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By delivery service: U.S. Patent and Trademark Office

FedEx, UPS, DHL, etc.) Customer Service Window,

Randolph Building 401 Dulany Street

Alexandria, VA 22314

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Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant Petitions Attorney

Office of Petitions

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